

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 INR-07 NSAE-00 DHA-02 SCSE-00

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SSO-00 /029 W

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O 012150Z AUG 75

FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC IMMEDIATE 4412

UNCLAS SANTO DOMINGO 3422

E.O. 11652: N/A

TAGS: PINT, CASC, DR

SUBJ: THE TRIAL OF THE THREE PUERTO RICANS

REF: SD 3400

1. THE TRIAL OF THE 3 PUERTO RICANS WAS HELD JULY 31 IN A COURTROOM WITH REPRESENTATIVES OF THE PRESS, RADIO AND TELEVISION PRESENT. THE PROCEEDINGS, FOR THE MOST PART, WERE HARD TO FOLLOW BECAUSE OF THE CONFUSION, CROWDING AND LACK OF A PUBLIC ADDRESS SYSTEM. NEWS MEDIA REPRESENTATIVES AND THE ATTORNEYS FROM THE US AND PUERTO RICO COMMENDTED TO THE CONSULAR OFFICERS PRESENT THAT THEY WERE UNIMPRESSED WITH THE DECORUM IN THE COURTROOM. THE TRIAL LASTED FROM ABOUT 10 AM TO 2:30 PM, AFTER WHICH THE JUDGE DELIBERATED IN HIS CHAMBERS AND PRONOUNCED SENTENCE AT ABOUT 3:30 PM.

2. THE PROSECUTION PRESENTED ITS CASE BY HAVING A DOMINICAN NAVAL OFFICER TESTIFY AS AN EXPERT WITNESS ON THE TYPE OF BOAT USED, THE ROUTE ALLEGEDLY FOLLOWED AND ON THE SIGNIFICANCE OF THE NAVIGATION BOOKS AND MAPS FOUND ON THE BOAT. IN ADDITION TO THE BOOKS AND MAPS, THE PROSECUTION EXHIBITED A NUMBER OF CONTAINERS, SOME FILLED WITH GASOLINE. THE PROSECUTION PRESENTED AS A SECOND AND LAST WITNESS A NEWSPAPER REPORTER WHO HAD ASKED THE PUERTO RICANS FIVE QUESTIONS AT A PRESS CONFERENCE THE DOMINICAN NAVY HELD ON JUNE 23. THE NEWSPAPER REPORTER TESTIFIED THAT

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THIRTY OTHER NEWSPAPERMEN HAD SELECTED HIM TO POSE THE FIVE

QUESTIONS WHICH HAD BEEN ASKED AT THE NEWS CONFERENCE, ONE OF WHICH WAS WHETHER THE ACCUSED HAD MADE THE CONFESSIONS AND TO WHICH THEY REPLIED AFFIRMATIVELY. HE STATED HE HAD NOT BEEN PERMITTED TO ASK THE PUERTO RICANS WHETHER THEY HAD BEEN MISTREATED OR ASK ANY ADDITIONAL QUESTIONS.

3. THE DEFENSE CONSISTED OF SEVEN DOMINICAN ATTORNEYS HEADED BY ORLANDO RODRIGUEZ, A WELL-KNOWN LAWYER. THE DEFENSE CLAIMED THAT NO REAL EVIDENCE HAD BEEN PRESENTED AGAINST THE DEFENDANTS. AT THIS POINT THE PROSECUTOR READ THE EXCERPTS FROM THEIR CONFESSIONS. THE DEFENSE RESPONDED WITH AN IMPASSIONED PLEA CLAIMING THAT THE CONFESSIONS SHOULD NOT BE ALLOWED SINCE THEY HAD BEEN OBTAINED UNDER DURESS. DURING THE TRIAL THE PRESIDING JUDGE PERMITTED THE VARIOUS MEMBERS OF THE DEFENSE TEAM TO POSE QUESTIONS ALTHOUGH HE RESTATED OR REFORMULATED EACH QUESTION. AT ONE POINT THE CHIEF DEFENSE ATTORNEY COMPLIMENTED THE JUDGE ON THE FINE MANNER IN WHICH HE WAS CONDUCTING THE TRIAL.

4. AS INDICATED IN REFTTEL, THE THREE WERE FOUND GUILTY UNDER ARTICLES 77, 87 AND 265 OF THE PENAL CODE AND WERE SENTENCED TO 30 YEARS OF PUBLIC WORKS. THE JUDGE ALSO ORDERED THAT THE SEIZED BOAT JUAN GABO, THE NAVIGATION CHARTS AND THE VARIOUS CONTAINERS BE TURNED OVER TO THE GENERAL STAFF OF THE NAVY. AT THE SAME TIME, THE JUDGE DISMISSED FOR LACK OF EVIDENCE THE CHARGES UNDER ARTICLES 95, 168 AND 282 CONCERNING THE VIOLATION OF PASSPORT, IMMIGRATION AND NARCOTIC LAWS.  
HURWITCH

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